

MINUTES OF BENTON COUNTY QUORUM COURT

June 28, 2007

A regular meeting of the Benton County Quorum Court was held on Thursday, June 28, 2007 at 5:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Gary Black called the meeting to order.

County Clerk Mary Lou Slinkard called roll as follows:

12 JP's Present:	Brown, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak
1 Absent:	Glass

The presiding officer led the pledge of allegiance to the flag. Reverend Jeff Odom of Word of Life Fellowship led the prayer.

A moment of silence was held in support of the men and women serving in the United States Armed Forces.

MINUTES:

JP Stephenson made motion to approve the Minutes of the regular meeting of May 24, 2007 as distributed, seconded by JP Hill. Motion to approve the minutes carried by unanimous voice vote.

COUNTY JUDGE'S REPORT:

County Judge Gary Black thanked everyone involved in the Grand Opening Ceremony at the new County offices in Rogers, and stated that the Annual Compliance Reports have been received for the Juvenile Detention Center and the County Jail. He said that both received high marks, but the County Jail report mentioned insufficient staff and a population at capacity which will only get worse in the future. He said that the JDC report complimented the housekeeping and management, but noted that the facility is at capacity and that the County needs to find a solution that will meet the needs of the growing juvenile population in Benton County.

County Judge Gary Black introduced Deputy Prosecuting Attorney Brandon Carter, and stated that he is serving in the absence of County Attorney Robin Green.

ELECTED OFFICIALS REPORT:

Judge Jay Finch stated that he appreciates the efforts of the committee working on the issue of overcrowding in Juvenile Detention Center and the need for administrative and courtroom space for the Juvenile Courts, and added that this county has always been very supportive of the Juvenile Court system. He said they will soon be facing some very politically difficult decisions in determining how to spend as much money as it will take to provide all of the space that they need. He said that he and his staff are available to answer any questions about how the juvenile system works and what their needs are.

County Clerk Mary Lou Slinkard thanked everyone involved for the successful opening of the County offices in Rogers. She stated that the County Clerk's office is preparing for five different elections to be held on August 14, as well as some other upcoming elections. She said her office is preparing to mail 27,000 confirmation notices, which are mailed to all registered voters who failed to vote in the past two Federal Elections.

COMMITTEE REPORTS:

JP Moore reported that the Long Range Planning/Properties & Equipment Committee met on June 19, 2007 and toured the annex that houses Judge Clinger's Court, the Circuit Clerk's Archives, and the Election Commission offices. He said at the meeting following the tour, Election Commission Chair John Brown reported that the Election Commission has located office space, and the proposal was forwarded to the July 5, 2007 Finance Committee. He stated that the next meeting will be July 17, 2007 at 5:30 p.m.

JP Stephenson reported that the Personnel Committee met on June 18, 2007 and completed the process of prioritizing mid-year personnel requests, which were forwarded along with wage adjustment and reorganization requests to the July 5, 2007 Finance Committee meeting. He stated that the Juvenile Detention Center Ad Hoc Committee had its first meeting earlier today at 3:00 p.m., and the next meeting will be at 4:00 p.m. on July 10, 2007 in order to tour the current JDC. JP Stephenson stated that any Quorum Court members who are interested are also invited to attend the tour.

PUBLIC COMMENTS:

Ron Andreason cited several documents that he previously distributed concerning the closing of South Mountain Road, and stated that none of the documents showed any intent for the road to be closed.

Kathy Andreason stated that all of the county employees she has met while gathering information on the closing of South Mountain Road have been helpful, generous, and kind. She stated that she is concerned about the secret gating and obstruction of public roads, and that the final plat of the subdivision was signed by the developer showing no gates. She said they have a right to the road, and that it was gated with no notification to adjoining landowners, and urged the county to pursue this matter. She said they should not have to hire legal help to keep the roads open.

Leo Lynch stated that he appreciates the work that the Quorum Court does, and that Item “F” makes available an opportunity for more people to participate in County government due to the later start time for the Committee of 13 meeting. He added that he would like to see a public comment period at the end of the meeting.

Don Day reported that Senator Dave Bisbee’s remarks at a recent Northwest Arkansas Property Rights Association meeting were not interpreted correctly by the newspaper, and that Senator Bisbee’s statement that Beaver Lake should be protected and reasonable limits imposed on property owners was actually followed by the comment that the owners of property that has been appropriated for the greater good should be compensated, and they should not be the only ones to bear the burden and expense of preserving the lake. He stated that the Northwest Arkansas Council has selected a nationally known firm to do a rational and comprehensive study on the Beaver Lake watershed. He said that as a Beaver Lake property owner and stakeholder in the watershed, he agrees with the council’s procedures. He asked the Court to please approve Item “F” to change the time of the Committee of 13 meetings to 6:00 p.m.

OLD BUSINESS:

None

NEW BUSINESS:

- (A) Proposed Resolution Granting a Waiver of the Policy as Established in *The Benton County Code of Ordinances* as amended (Salary Administration Policy) in the Hire-in Rate of One Appraiser IV in Department 07, Assessor, Fund 070;
Sponsor: JP Robert Stephenson

County Clerk Mary Lou Slinkard read the proposed Resolution in full. JP Stephenson made motion to adopt, seconded by JP Hill. JP Stephenson stated that this matter has been through committees, and is before the Quorum Court for final approval.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Brown, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler,
Stephenson, Summers, Winscott, Wolf, Wozniak
1 absent: Glass

Resolution duly adopted and assigned **No. R-2007-09.**

- (B) Proposed Resolution Authorizing the County Judge to Employ Private Attorneys for the Purpose of Instituting Litigation Against the Manufacturers of Ephedrine to Enable the County to Recover Portions of Its Costs Over the Years Related to Methamphetamine Production and Use; Including But Not Limited to Law Enforcement, Health Care, Health and Human Services Costs, Etc., and for Other Matters Pertaining Thereto; Sponsor: JP Tim Summers

County Clerk Mary Lou Slinkard read the proposed Resolution in full. JP Summers made motion to adopt, seconded by JP Stephenson. JP Summers stated that the companies manufacturing the substances should be held accountable for the amounts they are producing, and he does not believe they are taking this step in search of a windfall, but to send a message.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Brown, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler,
Stephenson, Summers, Winscott, Wolf, Wozniak
1 absent: Glass

Resolution duly adopted and assigned **No. R-2007-10.**

- (C) Proposed Emergency Ordinance Establishing the *Avoca Volunteer Fire Department* for Fire Protection Services for Benton County and Designating the Geographical Service Area Therefor; Sponsor: JP Christian Glass

County Clerk Mary Lou Slinkard read the proposed Emergency Ordinance in full. JP Winscott made motion to adopt, seconded by JP Stephenson. JP Winscott stated that the reason this is an emergency ordinance pertains to the timing of the election so that the fee may be levied next year, and that it has been researched thoroughly by the County Attorney.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Brown, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler,
Stephenson, Summers, Winscott, Wolf, Wozniak
1 absent: Glass

Emergency Ordinance duly adopted and assigned **No. O-2007-09.**

- (D) Proposed Emergency Ordinance Calling a Special Election on the Question of the Levy of the Annual Dues of the Avoca Volunteer Fire Department for Fire Protection Services; Designating the County Official Who Will Collect and Remit the Annual Dues Charged by the Department; and Prescribing Other Matters Pertaining Thereto; Sponsor: JP Christian Glass

County Clerk Mary Lou Slinkard read the proposed Emergency Ordinance in full. JP Winscott made motion to adopt, seconded by JP Hill.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Brown, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler,
Stephenson, Summers, Winscott, Wolf, Wozniak

1 absent: Glass

Emergency Ordinance duly adopted and assigned **No. O-2007-10**.

(E) Proposed Ordinance Pertaining to the Establishment of an Additional Fine in the Sum of \$5.00 to be Levied in All District Courts in Benton County, Arkansas; Sponsor: JP Debra Hobbs

County Clerk Mary Lou Slinkard read the proposed Ordinance by title only. JP Hobbs stated that an Act was passed which allows us to collect this fine, and it will go solely for the support of the Jail. JP Hobbs made motion to suspend the rules and place the proposed Ordinance on second reading, seconded by JP Summers.

There being no discussion, a roll call vote was recorded as follows:

12 yeas: Brown, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler,
Stephenson, Summers, Winscott, Wolf, Wozniak

1 absent: Glass

Motion to suspend rules and place on second reading passed.

County Clerk Mary Lou Slinkard read the proposed Ordinance by title only. JP Hobbs made motion to suspend the rules and place the proposed Ordinance on third and final reading, seconded by JP Stephenson.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Brown, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler,
Stephenson, Summers, Winscott, Wolf, Wozniak

1 absent: Glass

Motion to suspend rules and place on third and final reading passed.

County Clerk Mary Lou Slinkard read the proposed Ordinance by title only. JP Hobbs made motion to adopt, seconded by JP Stephenson.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Brown, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler,
Stephenson, Summers, Winscott, Wolf, Wozniak

1 absent: Glass

Ordinance duly adopted and assigned No. **O-2007-11**.

- (F) Proposed Ordinance to Amend Section 2-106 of the *Code of Ordinances of Benton County, Arkansas* to Change the Meeting Time and Provide Clarification of the order of Business for the Committee of 13; and for Other Purposes;
Sponsor: JP Bobby Hubbard

JP Moore made motion to read by title only, seconded by JP Winscott. County Clerk Mary Lou Slinkard read the proposed Ordinance by title only. JP Hubbard stated that he has learned that the Committee of 13 is a working committee with much debate, and he feels like it is hard for the public to show up at 5:00 p.m., and he would like to leave the Quorum Court time as it is. He added that an additional comment period at the end would allow someone to make a comment if they arrived too late for public comments at the beginning, or if some new information was brought up during discussion that they wanted to comment on. JP Summers stated that he initially asked the five new Quorum Court members to wait a few months to see how the committee structure works, and they have, so he will support the ordinance.

JP Schindler stated that the later time causes a hardship for county employees who have to attend meetings after working all day. He said that he has noticed some really excited crowds at 5 o'clock meetings, and if the issue is important to them, people will attend. He also stated that there are over 200,000 people living in Benton County, and he can only recall one individual asking to speak at the end of the meeting, and he could not support it.

JP Winscott stated that he supports the ordinance, and that servicing the public should come first. JP Stephenson stated that he initially voted in opposition to the time change, but he admires the freshness of ideas that the new members have brought to the Quorum Court regarding involving the public, and he sees no harm in attempting to embrace the public as long as it continues to be the public itself that they are listening to, and not an individual or an organization. He said he also feels that if it does not work, they can amend it, so he will support both the time change and the additional period for public comment.

JP Hobbs stated that she will continue to support the later time, and has spoken with people who work until 5 o'clock and say that they would like to attend meetings and comment on issues but cannot get there in time.

JP Moore made motion to amend Article 1, paragraph C to strike “upon request by a committee member”, seconded by JP Hobbs, because the public comment period at the beginning of the meeting does not require a request by a committee member, so he sees no need for the request by a committee member for the additional 15-minute period at the end of the meeting. There was discussion concerning whether the meeting would have to stay in session an additional 15 minutes even if no one came forward to make public comments. JP Moore withdrew his motion, JP Hobbs withdrew the second.

County Judge Gary Black noted that there was not motion to suspend the rules and place the ordinance on second reading, so it will automatically be placed on the July Quorum Court meeting for its second reading.

- (G) Proposed Emergency Ordinance Calling a Special Election on the Question of Increasing the Annual Dues of the Beaver Lake Volunteer Fire Department for Fire Protection Services; Designating the County Official Who Will Collect and Remit the Annual Dues Charged by the Department; and Prescribing Other Matters Pertaining Thereto; Sponsor: JP Frank Winscott

County Clerk Mary Lou Slinkard read the proposed Emergency Ordinance in full. JP Winscott made motion to adopt, seconded by JP Hill. JP Winscott stated that this is being classified as an emergency because it concerns fire protection for the residents in the area, and the increase in dues will have to be approved by the voters in the district. JP Hobbs asked why the increase is so much. E.J. Miller, Vice-president of the Board of Directors, was recognized and stated that the dues have not increased since 1988, and if they will not ask for another increase for 5 years. He stated that being able to purchase additional equipment may allow them to lower their I.S.O. rating, which will result in lower insurance premiums for the homeowners. He added that if they are able to lower their rating from “9” to “5” or even “4”, State Farm estimates a 40% reduction in yearly insurance premiums.

JP Summers stated that adopting this ordinance will simply give the voters a chance to say yes or no.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: Brown, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler,
Stephenson, Summers, Winscott, Wolf, Wozniak
1 absent: Glass

Emergency Ordinance duly adopted and assigned No. **O-2007-12.**

OTHER BUSINESS:

None

ANNOUNCEMENTS:

JP Wozniak announced that the Environmental Committee will meet Thursday, July 5, 2007 at 5:00 p.m., and they will discuss how to proceed with the latest revision of the Nuisance Abatement Ordinance.

JP Summers announced that the Finance Committee will meet Thursday, July 5, 2007 at 2:30 p.m., and the Committee of Thirteen will meet Tuesday, July 10, 2007 at 5:00 p.m.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Mary L. Slinkard,
County Clerk

Prepared by: Betsy Deaton